

REMARKS

This is intended as a full and complete response to the Office Action dated February 18, 2010. Please reconsider the claims pending in the application for reasons discussed herein.

Statement of Substance of Interview

On June 10, 2010, a telephonic interview was held between Walter C. Grollitsch and the Examiner. The parties discussed the cited references, Admitted Prior Art (AAPA) and Sato (U.S. 5,895,009). Claim 1 was also discussed.

The arguments herein are presented in accordance with the substance of the interview to place the application in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-8 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA), Sato and Tessmann (U.S. 3,259,969). Applicants respectfully traverse the rejection.

Claim 1 includes the step of selecting a plurality of input coils, each input coil having the same uniform hardness. The combination of AAPA, Sato and Tessmann fails to disclose this step. As admitted by the Examiner, AAPA fails to disclose using coils having the same uniform hardness to form the continuous rod. As such, the Examiner relies on the following paragraph in Sato to teach this limitation.

The metallic strip is in general processed into a form having desired properties and thickness by repeated rolling and heat treatment on an ingot and finally it is slit into a desired width by a slitter, wherein the width direction of the strip is made parallel with the central axis of the coil, and at the same time formed into a coil of the strips being taken up with slit edges being put in line. And such a coil is to have various fabrication processes made thereon as it is used as a metallic raw material. For example, a process of welding the strips of a plurality of coils together is to make coils into a continuous form. (Sato, col. 1, lines 23-33)

As discussed during the interview, a fair reading of this passage only indicates that an ingot (e.g., molded piece of metal) is processed by rolling and heat treatment to form a metallic strip having desired properties and thickness. There is no mention in Sato that the desired property is **uniform hardness**. In fact, the desired properties defined in Sato relate to a “desired width” (Sato, col. 1, line 26), a “desired length” (Sato, col. 1, line 42), and a “desired form” (Sato, col. 6, line 15), which is clearly different from uniform hardness as set forth in the claims. Thus, Sato fails to cure the deficiencies of AAPA. Tessmann also fails to cure the deficiencies of AAPA.

As the foregoing illustrates, the combination of AAPA, Sato and Tessmann fails to teach or suggest all the limitations of claim 1. This failure precludes the combination of AAPA, Sato and Tessmann from rendering claim 1 obvious. For these reasons, Applicants submit that claim 1 is in condition for allowance and respectfully request withdrawal of the § 103(a) rejection. Additionally, the claims that depend from claim 1 are allowable for at least the same reasons as claim 1.

Claims 2-8 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sato, Tessmann and Current. Applicants respectfully traverse the rejection. Claims 2-8 and 20 depend from claim 1. As set forth above, the combination of AAPA, Sato and Tessmann fails to disclose all the limitations of claim 1. Further, Current fails to cure the deficiencies of the combination of AAPA, Sato and Tessmann. As such, the combination of AAPA, Sato, Tessmann and Current fails to render claims 2-8 and 20 obvious. Therefore, Applicants respectfully request the 103(a) rejection of claims 2-8 and 20 be removed and allowance of the same.

Claims 9-14, 18, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sato, Tessmann and Nast (U.S. 3,210,838). Applicants respectfully traverse the rejection. For similar reasons as set forth above, the combination of AAPA, Sato and Tessmann fails to teach or suggest all the limitations of claim 14. Further, Nast discloses a process relating to welding wire and thus fails to cure the deficiencies of the combination of AAPA, Sato and Tessmann. This failure

precludes the combination of AAPA, Sato, Tessmann and Nast from rendering claim 14 obvious. Applicants submit that claim 14 is in condition for allowance and respectfully request withdrawal of the § 103(a) rejection. The claims that depend from claim 14 (and claim 1) are allowable for at least the same reasons as claim 14 (and claim 1).

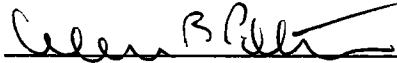
Claims 15-17 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sato, Tessmann, Nast and Payne (U.S. 4,045,591). Applicants respectfully traverse the rejection. Claims 15-17 and 19 depend from claim 14. As set forth above, the combination of AAPA, Sato, Tessmann and Nast fails to disclose all the limitations of claim 14. Further, Payne fails to cure the deficiencies of the combination of AAPA, Sato, Tessmann and Nast. As such, the combination of AAPA, Sato, Tessmann, Nast and Payne fails to render claims 15-17 and 19 obvious. Therefore, Applicants respectfully request the 103(a) rejection of claims 15-17 and 19 be removed and allowance of the same.

Claims 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sato, Tessmann, Nast and Yoshida (U.S. 4,588,869). Applicants respectfully traverse the rejection. Claims 22 and 23 depend from claims 1 and 14, respectively. As set forth above, the combination of AAPA, Sato, Tessmann and Nast fails to disclose all the limitations of claims 1 and 14. Further, Yoshida fails to cure the deficiencies of the combination of AAPA, Sato, Tessmann and Nast. As such, the combination of AAPA, Sato, Tessmann, Nast and Yoshida fails to render claims 22 and 23 obvious. Therefore, Applicants respectfully request the 103(a) rejection of claims 22 and 23 be removed and allowance of the same.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



William B. Patterson
Registration No. 34,102
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)